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February 26, 2019

VIA ECF

Hon. Gabriel W. Gorenstein
Chief United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY
10007-1312

Re: Bail Revocation Hearing in *United States v. Patricia Okoumou*, 18-cr-000469

Dear Magistrate Judge Gorenstein,

Less than one month after Ms. Okoumou's conviction on the instant federal charges, a Government Accounting Office report revealed that the actual number of children separated from their parents as a result of the zero-tolerance policy of the Justice Department was substantially higher than the numbers previously reported to the federal court attempting to oversee the reunification process. In 2017, an "unknown" number of children were subject to separation and there was no "coordinated formal tracking system between the Office of Refugee Resettlement, the arm of Health and Human Services that takes in the children, and the Department of Homeland Security, which separated them from their parents" and all without a court order.

<https://www.nytimes.com/2019/01/17/us/family-separation-trump-administration-migrants.html>. In other words, our government took children away from their parents, and did not even provide the type of property voucher that would be given for a cellphone.

Now this same administration comes to this Court and requests the Court immediately incarcerate Ms. Okoumou, three weeks before her formal sentencing, because she was arrested in Travis County, Texas, charged (though not "formally"), with a B-misdemeanor, for protesting on top of a juvenile detention facility that houses separated children. The facility in question had largely escaped public attention until Ms. Okoumou spotlighted it. The Chief executive of Southwest Key—the not-for-profit

running the kiddie prison—was recently the subject of a New York Times profile entitled “He’s Built an Empire, with detained Migrant Children as the Bricks.”

<https://www.nytimes.com/2018/12/02/us/southwest-key-migrant-children.htm> The facility is just one in a vast network of businesses that have sprung up in order to privately monetize this administration’s most monstrous policies.

Yet the Trump Administration’s sense of urgency seems to apply exclusively to their desire to incarcerate Ms. Okoumou now, and not to reuniting children or investigating the conditions under which they are held or the financial back-dealings of their jailors. These days, no one should expect better.

The short answer is that such proceedings are not necessary. Ms. Okoumou will be sentenced for her July 4th demonstration on March 19th. If Ms. Okoumou violated Texas law, she will be charged (formally), tried, and, if convicted, sentenced for that offense. There is no need to rush to punishment here.

Nor is the community imperiled by the possibility that Ms. Okoumou may climb again. In order to incarcerate Ms. Okoumou, this Court must find that she is “unlikely to abide by any condition or combination of conditions of release.” No such finding is required by the instant record. One protest episode over the past seven months of pre-trial release, taking place in a remote jurisdiction, resulting in the possibility of a B-Misdemeanor charge, does not establish that Ms. Okoumou is unlikely to comply with her release conditions until her March 19th sentencing.

No doubt the Administration will use this alleged conduct to support whatever argument it makes regarding sentencing. We can then debate its relevance and this Court will make its decision. That should suffice.

Sincerely,



Ronald L. Kuby
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Attorneys for Patricia Okoumou